

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

THE AKRON BAIL FUND,

Plaintiff,

v.

THE CITY OF AKRON,

Defendant.

Civil Action No. 5:23-cv-837

[PROPOSED] TEMPORARY RESTRAINING ORDER

This matter comes before the Court on Plaintiff's Motion for a Temporary Restraining Order. The Court, having considered the Motion, the Complaint, and the memorandum and exhibits in support, GRANTS Plaintiff's Motion. Plaintiff has carried its burden to satisfy all four factors necessary to issue a temporary restraining order: that Plaintiff will suffer irreparable harm in the absence of such an order, that Plaintiff is likely to succeed on the merits of its First and Fourth Amendment claims, that the balance of equities tips in Plaintiff's favor, and that a temporary restraining order is in the public interest.

Accordingly, pursuant to Federal Rule of Civil Procedure 65, the Court GRANTS Plaintiff's Motion and temporarily ENJOINS the City of Akron as follows:

1. The City of Akron, including the Akron Police Department and any other officers, departments, agencies, or organizations acting within the Akron Police Department's jurisdiction or under the Akron Police Department's control (collectively, "the City"), is ENJOINED from deploying chemical weapons or

projectiles of any kind for the purpose of crowd control at protests or demonstrations. This injunction includes but is not limited to prohibitions on: (1) any chemical irritant such as CS Gas (“tear gas”) or OC Spray (“pepper spray”) (2) any projectile such as flash-bang grenades, “pepper balls,” “blast balls,” and rubber bullets and (3) the use of a Long Range Acoustic Device (LRAD).

2. The City of Akron is ORDERED to amend any order or protocol, whether formal or informal, written or unwritten, governing police response to peaceful protests in the City of Akron, to ensure the following:

- Peaceful protesters must be permitted to safely demonstrate in public fora where their message can be received by their desired audience;
- Peaceful protestors must be permitted to safely demonstrate irrespective of what message they wish to express or what status they may have (i.e., the City may not permit certain protestors to express themselves and not others for any reason); and
- Protestors may not be confined to “free speech zones” or excluded from public for a or be subject to any other prior restraint or speech-regulating measure unless such measure satisfies the above requirements and is otherwise a constitutionally permissible time/place/manner restriction.

3. Because this is a non-commercial case, the balance of hardships favors Plaintiff, and there is no likelihood of harm to the Defendant from enjoining its conduct, the Court waives the security bond requirement.

4. This Order will expire fourteen days after entry unless extended by the Court for good cause. Fed. R. Civ. P. 65(b)(2).

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE